

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DILARAM A. KHANKHODJAEVA,

2:10-CV-1577 JCM (GWF)

Plaintiff,

V.

SAXON MORTGAGE SERVICES, et
al.,

Defendants.

ORDER

Presently before the court is *pro se* plaintiff Dilaram A. Khankhodjaeva's opposition to the notice of intent to dismiss pursuant to Federal Rule of Civil Procedure 4(m) issued by the clerk's office. (Doc. #28).

19 Plaintiff filed this case on September 15, 2010. (Doc. #1). United States Magistrate Judge
20 Foley granted plaintiff's in forma pauperis application (doc. #4) and issued a screening order (doc.
21 #5). The screening order stated: (1) plaintiff was required to file an amended complaint by June 24,
22 2011, and (2) the clerk of court should issue summons to the defendants named in the complaint and
23 deliver the summons to the U.S. Marshal for service. (Doc. #5). Plaintiff filed an amended
24 complaint on June 24, 2011, which attempted to cure the deficiencies identified in the screening
25 order. (Doc. #9). The amended complaint also added new parties. (Doc. #9).

26 The parties added in the amended complaint were never served. Additionally, the summons
27 for defendant Mortgage Electronic Registration Systems, Inc., one of the defendants in the original

1 complaint, was returned unexecuted by the U.S. Marshal. (Doc. #10). Plaintiff provided a P.O. box
2 address, and personal service cannot be effected on a P.O. box. (Doc. #10). Plaintiff never moved
3 for an order requiring the clerk of court to issue summons for the defendants added in the amended
4 complaint and for the U.S. Marshal to serve the new defendants.

5 Plaintiff now opposes the Rule 4(m) notice, asserting that the U.S. Marshal should have
6 served the remaining defendants in this case. (Doc. #28). Pursuant to Magistrate Judge Foley's
7 screening order, "if the plaintiff wishes to have the U.S. Marshal attempt service again on any
8 unserved defendant, then a motion must be filed with the court identifying the unserved defendant,
9 specifying a more detailed name and address, and indicating whether some other manner of service
10 should be used." (Doc. #5). The court interprets plaintiff's *pro se* opposition to the Rule 4(m) notice
11 as such a motion.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the clerk of court shall
14 issue summons to the remaining defendants in this case and deliver the summons to the U.S. Marshal
15 for service. Plaintiff shall have twenty (20) days to furnish to the U.S. Marshal the required USM-
16 285 forms. After plaintiff receives copies of the completed USM-285 forms from the U.S. Marshal,
17 she has twenty (20) days to file a notice with the court identifying which defendants were served and
18 which were not served, if any.

19 DATED February 23, 2012.

20
21 
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28